

Applic. No. 09/665,452

Amdt. dated October 28, 2003

Reply to Office action of May 23, 2003

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1 and 3-19 remain in the application. Claim 1 has been amended. Claims 8-19 have been withdrawn from consideration.

In item 3 on page 2 of the above-identified Office action, claims 1 and 3-7 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art which it pertains, or with which it is most nearly connected, to make and/or use the invention.

More specifically, the Examiner has stated that there is no indication of the actual flow required to operate the transport device. It is noted that the first and second fluid flows are not used to move the transport device through the connecting element. The first and second fluid flows are provided for the purpose of keeping the opposing fluid from entering the respective vessel. Therefore, the claims have not been amended to overcome the rejection.

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In item 5 on page 3 of the Office action, claims 1 and 3-7 have been objected to as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that there is no indication that fluid flow is required. The Examiner stated that zero flow is supported by the claim language. Applicant respectfully disagrees with the Examiner. It is noted from Webster's Third New International Dictionary that the definition of the word "maintain" (used in claim 1) is to carry on: keep up: or continue. Furthermore, the concept according to the invention is based on the fact that during the transfer of the object from both containers a flow is maintained into the connection line. This thus does not pertain to the case as suggested by the Examiner, that one of these two flows could equal zero. That is because if one of the flows were zero, the purpose of obtaining a consequent separation of the fluids in both vessels could no longer be achieved. Applicant believes that none of the two fluid flows may equal zero according to the present claim, because the term "maintaining fluid flow" absolutely requires that there is a fluid flow which is different from zero.

Based on the above-noted comments, the claim language does not support zero fluid flow as asserted by the Examiner.

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Therefore, the claims have not been amended to overcome the rejection.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

In item 7 on page 3 of the Office action, claims 1 and 3-7 have been rejected as being fully anticipated by Desmarchais et al. (U.S. Patent No. 3,294,453) (hereinafter Desmarchais) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

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maintaining a fluid flow out of the first vessel into the first part of the connecting element, maintaining a second fluid flow flowing out of the second vessel in a second part of the connecting element, and transporting the article through the connecting element with the first and second fluid flows being maintained.

It is noted from item 7 of the Office action, that the Examiner's comment that the first fluid flow is zero in the Desmarchais reference while the fuel element is transported through the connecting element indicates that the Examiner understands the difference between the Desmarchais reference and the instant application. Furthermore, it has been clarified above that the claim language calling for "maintaining" in the instant application, does not support zero flow.

Therefore, the Desmarchais reference does not show maintaining a fluid flow out of the first vessel into the first part of the connecting element, maintaining a second fluid flow flowing out of the second vessel in a second part of the connecting element, and transporting the article through the connecting element with the first and second fluid flows being maintained as recited in claim 1 of the instant application.

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It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1 and 3-7 are solicited.

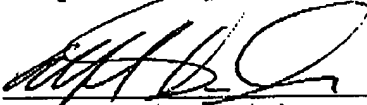
In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner &
Greenberg P.A., No. 12-1099.

Respectfully Submitted,



For Applicant(s)

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October 28, 2003

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